

1. The process for using the product can be practiced with another materially different product; or
2. The product can be used in a materially different process.

The Examiner concludes that the product, as claimed, can be used in a materially different process such as for the treatment of asthma. The Examiner makes the same contention with respect to the inventions of Group II and III.


The Examiner concludes that the application also contains claims directed to patently distinct species, namely, the inhibitor, the antihistamine and the steroid, and has required election of a single disclosed species.

To that end, Applicant provisionally elects to prosecute the subject matter of Group I and those claims directed to the leukotriene inhibitor, including Claims 1-8 and 14. The claims specific to the leukotriene inhibitor are Claims 4 and 7.

While the basis for the restriction requirement is acknowledged, the Group I and Group II inventions are both classified in the same class and sub-class. In order for the Examiner to do the necessary comprehensive search, it is submitted that both the process and the composition claims of Groups I and II must necessarily be searched at the same time. To search both Groups at the same time would not require any further work on the part of the Examiner. Certainly, the Examiner does appreciate the unity of invention which exists herein and, therefore, at least as to the claims of Group I and the claims of Group II that the restriction is in error.

It is submitted that by what has been set forth herein, that all requirements set forth in the Office Action have been met. Accordingly, an action on the merits is respectfully requested.

Respectfully submitted,


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Dated: Oct. 25, 2007

CERTIFICATE OF MAILING

I hereby certify that this Response to Office Action is being deposited with the United States Postal Service as First Class Mail in a pre-paid, stamped envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 25th day of October, 2007.


Victoria Mendoza